

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **People of MI v Albert Lee Smith**

Docket No. **295400**

L.C. No. **88-012103-01-FH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the order appealed from, the November 6, 2009, order denying defendant's motion to vacate his conviction and sentence, is not a final order that is appealable by right and the appeal is not timely filed in relation to the judgment of sentence entered on February 9, 1989. See MCR 7.203(A)(1), MCR 7.202(6)(b), and MCR 7.204(A)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**DEC 22 2009**  
Date

*Sandra Schultz Mengel*  
Chief Clerk